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2 **THE LAW FIRM OF**
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6 *Attorney for Defendant,*
7 *ASIA ELOISE MIGUEL*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 vs.
13 ERIC FRANKLIN TULLIS; ET AL.,
14 Defendant.

CASE NO.: 2:22-cr-00140-GMN-VCF

**STIPULATION TO CONTINUE
MOTION DEADLINES
AND TRIAL DATES
(Fourth Request)**

15 IT IS HEREBY STIPULATED AND AGREED, by Defendant, ASIA ELOISE MIGUEL
16 (hereinafter “Ms. Miguel”), by and through her attorney, C. BENJAMIN SCROGGINS, ESQ. of
17 the LAW FIRM OF C. BENJAMIN SCROGGINS, CHTD., JOSHUA BRISTER, ESQ., Assistant
18 United States Attorney, as Counsel for THE UNITED STATES OF AMERICA, and Defendant,
19 ERIC FRANKLIN TULLIS, by and through his attorney, GARRETT T. OGATA, ESQ. of the
20 LAW OFFICES OF GARRETT T. OGATA, for Defendant, ERIC FRANKLIN TULLIS
21 (hereinafter “Mr. Tullis”), that the Calendar Call which is scheduled for **July 18, 2023 at 9:00**
22 **a.m.**, and the Trial, which is set for **9:00 a.m. on July 24, 2023**, be vacated and set to a date and
23 time convenient to this Court, but no sooner than 90 (NINETY) days.

24 **IT IS FURTHER STIPULATED AND AGREED**, all court deadlines will be vacated

1 and re-set for composing with the new trial date.

2 The Stipulation is entered into for the following reasons:

- 3 1. Defendant, Mr. Tullis, has retained Aaron Grigsby, Esq. to act as co-counsel (trial
4 counsel) with Garrett T. Ogata, Esq., and thus his counsel will need additional time for
5 case review and trial preparation.
- 6 2. Counsel for Defendant, Ms. Miguel, has no objection to the subject request.
- 7 3. Counsel for Defendants and the United States of America are still discussing possible
8 negotiations.
- 9 4. Mr. Tullis is in custody and does not object to the continuance.
- 10 5. Ms. Miguel is out of custody and does not object to the continuance.
- 11 6. The parties agree to continue this matter.

12 ///

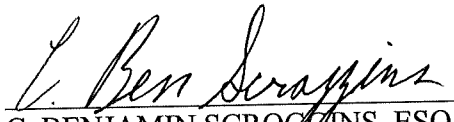
13 ///

14 ///

7. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel the opportunity to make all proper preparations for trial.

Dated this 27th day of June, 2023.

**THE LAW FIRM OF
C. BENJAMIN SCROGGINS, CHTD.**



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*Attorney for Defendant,
ASIA ELOISE MIGUEL*

Dated this ____ day of June, 2023.

JASON M. FRIERSON
United States Attorney

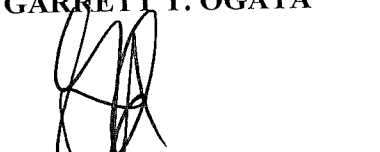


JOSHUA BRISTER
Assistant United States Attorney
501 South Las Vegas Boulevard,
Suite 1100
Las Vegas, Nevada 89101
Tel.: (702) 388-6370
Joshua.Brister@usdoj.gov

*Attorney for Plaintiff,
UNITED STATES OF AMERICA*

Dated this ____ day of June, 2023.

**LAW OFFICES OF
GARRETT T. OGATA**



GARRETT T. OGATA, ESQ.
Nevada Bar No.: 7469
2880 W. Sahara Avenue
Las Vegas, NV 89102
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*Attorney for Defendant,
ERIC FRANKLIN TULLIS*

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the parties herein shall have to and including July 28, 2023 to file any and all pretrial motions and notice of defense.

IT IS FURTHER ORDERED that the parties shall have to and including August 11, 2023 to file any and all responses.

IT IS FURTHER ORDERED that the parties shall have to and including August 18, 2023 to file any and all replies.


IT IS FURTHER ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically submitted to the Court by October 19, 2023.

///

///

///

DATED this 27 day of June, 2023.


UNITED STATES DISTRICT JUDGE

Kelly

From: Brister, Joshua (USANV) <Joshua.Brister@usdoj.gov>
Sent: Tuesday, June 27, 2023 1:57 PM
To: Kelly
Cc: garretttogata@gmail.com; Reception GTOGATA; Ben Scroggins
Subject: RE: Tullis Et. Al.

That's fine with me to file.

Thanks,
Josh

From: Kelly <kelly@cbscrogginslaw.com>
Sent: Tuesday, June 27, 2023 1:40 PM
To: Brister, Joshua (USANV) <JBrister@usa.doj.gov>
Cc: garretttogata@gmail.com; Reception GTOGATA <reception@gtogata.com>; Ben Scroggins <cbs@cbscrogginslaw.com>
Subject: [EXTERNAL] RE: Tullis Et. Al.
Importance: High

Hello Counsel.

I have attached the updated Stipulation for review.

It should reflect Mr. Brister's revisions.

Should it be different, please notify me as soon as possible.

Otherwise please respond confirming we may proceed to submit this for filing.

Thank you gentleman.

Kelly Jani
Legal Assistant to,
The Law Firm of C. Benjamin Scroggins, Chtd.
629 S. Casino Center Blvd., Suite 5
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From: Brister, Joshua (USANV) <Joshua.Brister@usdoj.gov>
Sent: Tuesday, June 27, 2023 11:57 AM
To: Kelly <kelly@cbscrogginslaw.com>
Cc: garretttogata@gmail.com; Reception GTOGATA <reception@gtogata.com>; Ben Scroggins <cbs@cbscrogginslaw.com>
Subject: RE: Tullis Et. Al.

I think in the stipulation you can't leave the blank _____ for the dates for the motions/responses/voir dire, etc. In the last stipulation, that part was deleted (but you left it in the order). I would be fine with you doing that again.

Based on my prior conversation on the phone with Mr. Scroggins I am fine with stipulating to a new motions deadline even though the prior motions deadline passed.

Regards,

Josh Brister
Assistant United States Attorney
United States Attorney's Office, District of Nevada
(702) 388-6370

From: Kelly <kelly@cbscrogginslaw.com>
Sent: Tuesday, June 27, 2023 11:39 AM
To: Brister, Joshua (USANV) <JBrister@usa.doj.gov>
Cc: garretttogata@gmail.com; Reception GTOGATA <reception@gtogata.com>; Ben Scroggins <cbs@cbscrogginslaw.com>
Subject: [EXTERNAL] Tullis Et. Al.
Importance: High

Counsel,

Please find the attached proposed Stipulation to Continue for your review.

Please provide any insights, should you wish to add any.

If no objections, please be sure to respond confirming your approval to affix your electronic signature for filing.

Thank you and we will await your response.

Please keep in mind that this is due TODAY, and thus your immediate attention is greatly appreciated.

Kelly Jani

Legal Assistant to,

The Law Firm of C. Benjamin Scroggins, Chtd.

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